IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 27756 of 2006(D)

PETITIONER:

P. SREELATHA, W/O.T.A.SURESH KUMAR,
THANNEKKATTIL HOUSE, VIYYUR P.O.,THRISSUR DISTRICT

BY ADV. SRI.JIJO PAUL

RESPONDENTS:

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1. THE GENERALA MANAGER,
THRISSUR DISTRICT INDUSTRIES CENTER (REGISTRAR,
THRISSUR DISTRICT MINI INDUSTRIAL ESTATE
CO-OPERATIVE SOCIETY LIMITED, THRISSUR.

2. THRISSUR DISTRICT MINI INDUSTRIAL ESTATE
CO-OPERATIVE SOCIETY LIMITED NO.S.IND(R) 240,
THRISSUR-680 003.

BY ADV. SRI.C.E.UNNIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE NOTIFICATION INVITING APPLICATIONS TO THE POST OF JUNIOR CLERK IN THE SECOND RESPONDENT SOCIETY APPEARED IN MATHRUBHUMI DAILY DATED 21.9.2006

EXT.P2- TRUE COPY OF THE MEMO NO.EI/WTC/2006 DATED 12.10.2006 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER

EXT.P3- TRUE COPY OF THE NOTICE SIMILAR TO EXHIBIT P2 ISSUED BY THE SMALL SCALE TRADING AND AGRICULTURAL PRODUCTS MARKETING MULTIPURPOSE CO-OPERATIVE SOCIETY LIMITED NO.R1182, THRISSUR

EXT.P4- TRUE COPY OF THE REPRESENTATION DATED 16.10.2006 SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 27756/2006

Dated this the 9th day of January, 2007

JUDGMENT

The second respondent, Society, had notified on 20.9.2006, inviting candidates to appear for the examination to the post of Junior Clerks. The writ petitioner was one of the applicants. However, the writ petitioner submits that no subjects were prescribed for conducting the test and the test was conducted for the purpose of appointing another candidate by name Shaijan, a close relative of the Deputy Registrar of the Industries Department.

2. An interim order was passed by this Court, restraining the second respondent from conducting the test. However, the test was conducted by an outside agency, which is not a party in this writ petition. Therefore, the order dated 20.10.2006 was not served on the outside agency, who conducted the test. Accordingly, the written test was conducted on 21.10.2006.

3. It is submitted by the learned counsel for the respondents that sixty candidates had appeared for the test. However, the continued process, including the interview, is not conducted because of the pendency of the writ petition.

4. During the hearing, it is submitted that the said Shaijan had not appeared for the test and he resigned from the employment, under the second respondent.

5. After hearing both sides and considering the materials that are placed before me, I dispose of this writ petition with the following directions:-

> (a). The second respondent shall conduct a separate written test for the writ petitioner on 14.1.2007 at 10.00 a.m., at the office of the second respondent, Society.
>
> (b). The duration of the written test and the syllabus for the test, shall be as same as the test conducted, in respect of the other sixty candidates, who had appeared for the

examination on 21.10.2006, of course the questions being different.

(c). The result of the written test shall be published in such a way that the writ petitioner will have an opportunity to take part in the interview, if found otherwise eligible, along with other candidates, who had appeared in the earlier written test and found eligible.

(d).The second respondent is free to conduct the interview of the prospective candidates, after the written test of the writ petitioner is completed as directed above, and proceed with the matter as per law, including the appointments, without waiting for further directions from this Court.

J.M.JAMES
JUDGE

mrcs